

Message Text

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ORIGIN EA-09

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
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DRAFTED BY EA/IMS:DTKENNEY:LGR
APPROVED BY EA/IMS:EDWARD C. INGRAHAM
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R 250000Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY JAKARTA
AMEMBASSY CANBERRA

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E.O. 11652:NA

TAGS: SHUM, PT, AS, ID, PFOR, PINS,

SUBJECT:

1. FOLLOWING IS EXCHANGE OF LETTERS BETWEEN CONGRESSMAN DONALD M. FRASER, CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS AND ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS, DOUGLAS J. BENNET, JR. ON TIMOR.

2. QUOTE: DEAR MR. SECRETARY:

AS THE CONGRESSIONAL RELATIONS OFFICE HAS BEEN INFORMED, A JOINT HEARING OF THE SUBCOMMITTEES ON INTERNATIONAL ORGANIZATIONS AND ON ASIAN AND PACIFIC AFFAIRS HAS BEEN SCHEDULED TO DISCUSS HUMAN RIGHTS IN EAST TIMOR AND IMPLICATIONS FOR U.S. POLICE. SPECIAL ATTENTION SHALL BE CENTERED ON THE USE OF U.S. WEAPONS BY THE INDONESIAN FORCES IN THE INVASION AND OCCUPATION OF EAST TIMOR. THE LIMITED OFFICIAL USE
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HEARING IS SCHEDULED FOR WEDNESDAY, MARCH 23 AT 3:00 P.M. IN ROOM 2255 RAYBURN BUILDING.

I WOULD LIKE TO ADDRESS A NUMBER OF QUESTIONS TO THE DEPARTMENT FOR WRITTEN RESPONSE PRIOR TO THE HEARING FOR INCLUSION IN THE DEPARTMENT'S OPENING STATEMENT. WE WOULD LIKE TO HAVE AT LEAST 30 COPIES OF THE WRITTEN RESPONSE FOR MEMBERS AND THE PRESS.

(1) IN ACTING ASSISTANT SECRETARY KEMPTON B. JENKINS' LETTER TO MR. FRASER OF MARCH 8, THE DEPARTMENT ESTIMATES

THAT THE NUMBER OF CIVILIAN CASUALTIES IN EAST TIMOR "WOULD PROBABLY BE A FEW THOUSAND, MOST OF WHOM WOULD HAVE BEEN FIGHTING MEN ON BOTH SIDES". IN LIGHT OF THE INDONESIAN CHURCH REPORT AND THE FEBRUARY 11 REPORT OF MR. JIMM DUNN OF THE LEGISLATIVE RESERACH SERVICE OF THE AUSTRALIAN PARLIAMENT, DOES THE DEPARTMENT OF STATE STILL HOLD THE VIEW THAT VERY FEW CIVILIAN CASUALTIES HAVE OCCURRED?

(2) THE DEPARTMENT OF STATE DID NOT COMMENT ON THE EAST TIMOR SITUATION IN ITS HUMAN RIGHTS REPORT ON INDONESIA PREPARED UNDER SECTION 502B OF THE FOREIGN ASSISTANCE ACT. DOES THIS OMMISSION IMPLY (A) THAT THE DEPARTMENT CONSIDERS VIOLATIONS OF HUMAN RIGHTS IN EAST TIMOR TO BE SO INSIGNIFICANT AS NOT TO WARRANT COMMENT AND/OR (B) THAT THE DEPARTMENT DOES NOT CONSIDER EAST TIMOR TO BE PART OF INDONESIA?

(3) REGARDLESS OF EITHER OF THE ABOVE, IF U.S. WEAPONS ARE BEING USED IN EAST TIMOR BY INDONESIAN FORCES, WASN'T THE DEPARTMENT OBLIGATED TO REPORT ON THE STATUS OF HUMAN RIGHTS IN THAT TERRITORY UNDER THE REQUIREMENTS OF SECTION 502B?

(4) WHAT KINDS AND ESTIMATED AMOUNTS OF U.S. EQUIPMENT HAVE BEEN USED BY INDONESIAN FORCES IN AND AROUND EAST LIMITED OFFICIAL USE
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TIMOR? PLEASE GIVE AS DETAILED A LISTING AS POSSIBLE.

(5) ROUGHLY IN TERMS OF DOLLAR AMOUNTS, WHAT PROPORTION OF U.S. EQUIPMENT FURNISHED TO INDONESIA HAS BEEN USED IN EAST TIMOR?

(6) IF THE DEPARTMENT DOES ACKNOWLEDGE THAT SIGNIFICANT AMOUNTS OF U.S. EQUIPMENT HAVE BEEN USED BY THE INDONESIAN FORCES IN EAST TIMOR, DOES THIS MEAN THE UNITED STATES HAS ASSISTED THE INDONESIAN GOVERNMENT IN ITS INVASION AND OCCUPATION OF EAST TIMOR?

(7) DOES SUCH ASSISTANCE COMPLY WITH TE AIMS AND PURPOSES OF MILITARY ASSISTANCE AND SALES AS DEFINED, INTER ALIA, IN SECTIONS 3 OR 4 OF THE ARMS EXPORT CONTROL ACT, AND SECTION 50L, 502, 505 AND 620(I) OF THE FOREIGN ASSISTANCE ACT? WOULD YOU PLEASE COMMENT ON THE QUESTION OF COMPLIANCE WITH EACH OF THESE PROVISIONS, WITH ANY OTHER RELEVANT PROVISIONS OF FOREIGN ASSISTANCE RELATED LEGISLATION, AS WELL AS THE RELEVANT AGREEMENTS BETWEEN THE UNITED STATES AND INDONESIA CONCERNING U.S. FURNISHED MILITARY EQUIPMENT AND SERVICES?

(8) WOULD SUCH ASSISTANCE REFERRED TO IN QUESTION 6 BE CONSISTENT WITH ARTICLE 2(4) OF THE UNITED NATIONS CHARTER WHICH STATES THAT "ALL MEMBERS SHALL REFRAIN IN THEIR INTERNATIONAL RELATIONS FROM THE THREAT OR USE OF FORCE AGAINST THE TERRITORY INTEGRITY OR POLITICAL INDEPENDENCE OF ANY STATE, OR IN ANY OTHER MANNER INCONSISTENT WITH THE PURPOSES OF THE UNITED NATIONS."?

(9) IS CONTINUATION OF SUCH ASSISTANCE CONSISTENT WITH GENERAL ASSEMBLY RESOLUTION 31/53 ADOPTED ON DECEMBER 1, 1976 WHICH, INTER ALIA, DEPLORES THE REFUSAL BY THE GOVERNMENT OF INDONESIA TO COMPLY WITH EARLIER U.S. RESOLUTIONS AND CALLS UPON THAT GOVERNMENT TO WITHDRAW LIMITED OFFICIAL USE
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ALL ITS FORCES FROM THE TERRITORY OF EAST TIMOR.

(10) IF THERE HAS BEEN ANY QUESTION WHETHER THE GOVERNMENT OF INDONESIA HAS BEEN COMPLYING WITH U.S. LAW, WHAT STEPS HAVE BEEN TAKEN TO CORRECT THE SITUATION?

(11) WHAT REPRESENTATIONS HAVE BEEN MADE TO THE INDONESIAN GOVERNMENT CONCERNING THE USE OF U.S. EQUIPMENT IN EAST TIMOR?

(12) WHAT WERE THE LEGAL BASES OF THESE REPRESENTATIONS?

(13) PRESIDENT FORD VISITED INDONESIA A DAY OR TWO BEFORE THE INVASION OF EAST TIMOR. WAS THE DECISION OR PLANS TO INVADE EAST TIMOR DISCUSSED BETWEEN PRESIDENT FORD AND/OR OTHER U.S. OFFICIALS AND INDONESIAN OFFICIALS EITHER DURING THE PRESIDENT'S VISIT OR AT ANY OTHER TIME OR PLACE PRIOR TO THE INVASION?

(14) IF THE U.S. GOVERNMENT HAD PRE-KNOWLEDGE OF THE INVASION PLANS, DID THEY MAKE REPRESENTATIONS TO THE INDONESIAN GOVERNMENT CONCERNING THIS MATTER?

YOUR KIND ATTENTION TO THESE QUESTIONS WILL BE GREATLY APPRECIATED. I LOOK FORWARD TO TESTIMONY FROM THE DEPARTMENT OF STATE AND THE DEPARTMENT OF DEFENSE ON THE 23RD.
END QUOTE.

3. QUOTE: DEAR MR. CHAIRMAN:

THANK YOU FOR YOUR LETTER OF MARCH 17, REGARDING THE FORTHCOMING JOINT HEARINGS OF THE SUBCOMMITTEES ON INTERNATIONAL ORGANIZATIONS AND ON ASIAN AND PACIFIC AFFAIRS INTO THE SITUATION IN EAST TIMOR. WE WILL ATTEMPT IN THIS REPLY TO RESPOND TO THE 14 QUESTIONS IN YOUR LETTER. I AM SURE YOU WILL UNDERSTAND THAT THE

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SHORT TIME AVAILABLE TO US IN MEETING YOUR REQUEST FOR A REPLY PRIOR TO THE MARCH 23 HEARING PRECLUDES, IN SOME CASES, A DEFINITIVE RESPONSE. THUS SOME OF THE FOLLOWING ANSWERS TO YOUR QUESTIONS MUST BE CONSIDERED TENTATIVE. THE ANSWERS ARE KEYED TO THE NUMBERS OF THE QUESTIONS IN YOUR LETTER.

(1) WE HAVE EXAMINED THE THREE DOCUMENTS YOUR STAFF WAS KIND ENOUGH TO FURNISH US IN CONNECTION WITH THE FORTHCOMING HEARING: MR. DUNN'S OWN REPORT, HIS ACCOUNT OF INTERVIEWS OF CERTAIN TIMORESE REFUGEES IN PORTUGAL, AND THE TYPEWRITTEN PAPER SAID TO BE AUTHORED BY A RELIGIOUS GROUP IN INDONESIA. WE HAVE ALSO REVIEWED INFORMATION FROM A NUMBER OF OTHER SOURCES AVAILABLE TO US. OUR CONCLUSIONS AS TO THE QUESTION OF CIVILIAN CASUALTIES IN EAST TIMOR FOLLOWING THIS REVIEW ARE AS FOLLOWS:

-- THE PRECISE NUMBER OF CASUALTIES IS NOT KNOWN TO US NOR TO ANY OF THE PRINCIPALS, AND PROBABLY NEVER WILL BE KNOWN.

-- THE ALLEGATION THAT AS MANY AS 100,000 PEOPLE WERE KILLED IN TIMOR IS BASED IN PART ON THE REPORTED STATEMENTS OF UNIDENTIFIED PERSONS AND IN PART ON A REPORTED STATEMENT TO THE PRESS BY A TIMORESE POLITICIAN, MR. LOPES DA CRUZ, WHOM WE ARE INFORMED HAS SINCE INSISTED THAT HE WAS MISQUOTED. WE HAVE SEEN NO OTHER EVIDENCE TO SUPPORT THIS FIGURE AND IT IS GREATLY AT VARIANCE WITH ALL OF THE OTHER INFORMATION AVAILABLE TO US. WE CONCLUDE THAT IT IS GREATLY EXAGGERATED.

-- OUR ESTIMATE OF MARCH 8 THAT THE CASUALTIES WHICH OCCURRED FOLLOWING INDONESIAN INTERVENTION

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IN TIMOR IN DECEMBER 1975 "WOULD PROBABLY BE A FEW THOUSAND" STILL SEEMS GENERALLY ACCURATE IN THE LIGHT OF INFORMATION WE HAVE SUBSEQUENTLY SEEN. MR. ROBERT OAKLEY, DEPUTY ASSISTANT SECRETARY FOR EAST ASIAN AND PACIFIC AFFAIRS, TESTIFIED BEFORE CONGRESSMAN WOLFF'S SUBCOMMITTEE ON MARCH 17 THAT WE WOULD ESTIMATE TOTAL CASUALTIES FOR THE ENTIRE PERIOD -- BOTH BEFORE AND

AFTER THE INDONESIAN INTERVENTION -- TO BE "LESS
THAN 10,000", OF WHICH A SUBSTANTIAL PORTION
OCCURRED DURING THE CIVIL CONFLICT BEFORE THE
INDONESIAN INTERVENTION.

-- A BREAKDOWN OF CASUALTIES BETWEEN MILITARY
AND CIVILIANS IS NOT POSSIBLE BECAUSE, APART
FROM THE INDONESIAN ARMY UNITS INVOLVED, MUCH OF
THE FIGHTING IN TIMOR WAS BETWEEN ARMED CIVILIANS.

(2) THE HUMAN RIGHTS REPORT ON INDONESIA REPRESENTED
OUR BEST ASSESSMENT OF THE SITUATION AS SEEN AT THAT TIME.
IN RETROSPECT, PERHAPS SOME MENTION OF TIMOR SHOULD
HAVE BEEN INCLUDED.

(3) AS MR. OAKLEY INDICATED IN HIS TESTIMONY ON
MARCH 17, IN VIEW OF INDONESIA'S USE OF US-SUPPLIED
WEAPONS IN TIMOR, A REVIEW OF U.S. POLICY WAS INITIATED
AND DURING THAT REVIEW, WE ADMINISTRATIVELY DELAYED PRO-
VIDING ADDITIONAL NEW SECURITY ASSISTANCE TO INDONESIA.
MILITARY EQUIPMENT THAT WAS ALREADY IN THE PIPELINE CON-
TINUED, HOWEVER, TO BE DELIVERED. THIS REVIEW LASTED
SIX MONTHS -- FROM DECEMBER 1975 TO JUNE 1976. WE BELIEVE
OUR ACTION COMPORTED FULLY WITH THE SPIRIT AND THE REQUIRE-
MENTS OF U.S. LAW AT THAT TIME. ON JULY 17, 1976
INDONESIA FORMALLY INCORPORATED EAST TIMOR INTO INDONESIA,
AN ACTION WHICH WAS ACCEPTED BY THE ADMINISTRATION
AT THAT TIME.

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(4) AS MR. OAKLEY INDICATED ON MARCH 17, U.S.
SUPPLIED MILITARY EQUIPMENT WAS USED BY INDONESIA IN
ITS INTERVENTION IN EAST TIMOR. THE TYPES OF EQUIPMENT
INVOLVED WERE COMMUNICATION AND TRANSPORTATION EQUIPMENT,
SOME PATROL CRAFT AND C-130S, AND SOME COMBAT EQUIPMENT
THAT HAD BEEN FURNISHED TO CERTAIN ELITE UNITS OF THE
INDONESIAN ARMY. THIS COMBAT EQUIPMENT GENERALLY
INCLUDED LIGHT INFANTRY WEAPONS SUCH AS M-16S, MORTARS,
AND RECOILESS RIFLES.

(5) WE REGRET THAT WITHIN THE SHORT TIME AVAILABLE
TO US, EVEN A GENERAL ESTIMATE OF THE DOLLAR VALUE OF
THE US-SUPPLIED EQUIPMENT USED IN TIMOR AS A PROPORTION
OF THE DOLLAR VALUE OF ALL EQUIPMENT FURNISHED INDONESIA
BY THE UNITED STATES CANNOT BE CALCULATED. THERE ARE
TOO MANY VARIABLES AND UNKNOWN FOR A MEANINGFUL FIGURE.
IT MIGHT HELP, HOWEVER, TO KNOW THAT APPROXIMATELY 15
PERCENT OF THE PERSONNEL OF THE INDONESIAN ARMY APPEAR
TO HAVE BEEN INVOLVED IN THE TIMOR OPERATION.

(6) OUR MILITARY ASSISTANCE PROGRAM TO INDONESIA

SERVES U.S. INTERESTS IN A NUMBER OF IMPORTANT WAYS. PRIMARY AMONG THESE WOULD BE THE ENCOURAGEMENT OF REGIONAL SECURITY AND MAINTENANCE OF AN INDEPENDENT INDONESIA WITH WHOM WE HAVE CLOSE AND FRIENDLY TIES.

AS MR. OAKELY NOTED IN HIS TESTIMONY ON MARCH 17 WE MADE KNOWN TO THE INDONESIAN GOVERNMENT OUR RESERVATIONS ON THEIR USE OF U.S. SUPPLIED EQUIPMENT IN INTERVENTION IN EAST TIMOR.

(7) I BELIEVE THAT OUR SECURITY ASSISTANCE TO INDONESIA HAS BEEN IN COMPLIANCE WITH EACH OF THE CITED PROVISIONS OF LAW. (I NOTED IN THIS REGARD THAT SECTION 620(I) OF THE FOREIGN ASSISTANCE ACT DOES LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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NOT SEEM APPLICABLE IN THE CIRCUMSTANCES OF THIS SITUATION.) OUR ADMINISTRATIVE ACTION IN HOLDING UP NEW MILITARY ASSISTANCE TO INDONESIA WHILE EXAMINING THE SITUATION RESULTING FROM INDONESIAN USE OF US-SUPPLIED EQUIPMENT IN EAST TIMOR WAS TAKEN TO ASSURE THAT WE WERE IN COMPLIANCE WITH THE LAW.

(8) WE DO NOT BELIEVE THAT FURNISHING MILITARY ASSISTANCE TO INDONESIA UNDER THE RELEVANT US-INDONESIA AGREEMENTS PUT THE UNITED STATES IN VIOLATION OF ARTICLE 2(4) BECAUSE OF INDONESIA'S USE OF SOME OF THE EQUIPMENT IN TIMOR.

(9) AS YOU KNOW, WE INDICATED AT THE TIME OF THE VOTE ON UN GENERAL ASSEMBLY RESOLUTION 31/53 OF DECEMBER 1, 1976 THAT WE BELIEVED IT DID NOT ACCORD WITH THE REALITIES OF THE SITUATION AND WAS NOT HELPFUL TO RESOLUTION OF THE PROBLEM.

(10) A FOREIGN GOVERNMENT CANNOT VIOLATE U.S. LAWS AS SUCH. AS STATED ABOVE, HOWEVER, WE ADMINISTRATIVELY HELD UP NEW MILITARY ASSISTANCE TO INDONESIA DURING THE PERIOD IN WHICH WE WERE REVIEWING THE SITUATION.

(11) PRIOR TO DECEMBER 7, 1975, THE ADMINISTRATION TOOK ACTION BOTH IN WASHINGTON AND IN JAKARTA TO COUNSEL CAUTION IN THE TIMOR SITUATION, TO INDICATE OUR CONCERN OVER THE POSSIBLE USE OF US-SUPPLIED MILITARY EQUIPMENT, AND TO INSURE THAT INDONESIAN AUTHORITIES WERE AWARE OF THE APPROPRIATE PROVISIONS OF U.S. LAW IN THIS REGARD. AFTER THAT DATE, AS INDICATED ABOVE, WE PLACED AN ADMINISTRATIVE HOLD ON NEW MILITARY AID TO INDONESIA WHILE WE REVIEWED THE SITUATION.

(12) WE BASED OUR REPRESENTATIONS TO THE INDONESIANS
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ON RELEVANT US-INDONESIAN BILATERAL AGREEMENTS GOVERNING
THE USE BY INDONESIA OF MILITARY EQUIPMENT FURNISHED BY
THE UNITED STATES PURSUANT TO THOSE AGREEMENTS.

(13) DURING THE SUMMER AND FALL OF 1975, OUR
EMBASSY IN JAKARTA INFORMED THE DEPARTMENT OF THE GROW-
ING CONCERN ON THE PART OF THE INDONESIAN LEADERSHIP
OVER THE ADVERSE IMPACT THAT THE DEVELOPMENT SITUATION
IN TIMOR MIGHT HAVE ON THE SECURITY SITUATION IN BOTH
PORTUGUESE AND INDONESIAN TIMOR. THE OPTIONS BEING
EXAMINED BY THE INDONESIANS WERE NOT REVEALED TO US,
BUT THE POSSIBILITY OF DIRECT MILITARY INTERVENTION
WAS OBVIOUSLY ONE OF THEM. WE BECAME AWARE OF IMPENDING
MILITARY OPERATIONS SHORTLY BEFORE THE ACTUAL INTER-
VENTION TOOK PLACE ALTHOUGH WE DID NOT KNOW OF THE
DETAILS.

(14) SEE THE ANSWER TO THE FOREGOING THREE QUESTIONS.

WE HOPE THE FOREGOING RESPONSES WILL BE OF HELP
TO YOU, AND WE LOOK FORWARD TO FURTHER DISCUSSION OF
THE SUBJECT AT THE MARCH 23 HEARING. END QUOTE.

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TO AMEMBASSY LONDON
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FOLLOWING TEL SENT ACTION JAKARTA, CANBERRA FROM STATE MARCH 25:

QUOTE LIMITED OFFICIAL USE STATE 066241

E.O. 11652:NA

TAGS: SHUM, PT, AS, ID, PFOR, PINS,

SUBJECT:

1. FOLLOWING IS EXCHANGE OF LETTERS BETWEEN CONGRESSMAN DONALD M. FRASER, CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS AND ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS, DOUGLAS J. BENNET, JR. ON TIMOR.

2. QUOTE: DEAR MR. SECRETARY:

AS THE CONGRESSIONAL RELATIONS OFFICE HAS BEEN INFORMED,
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A JOINT HEARING OF THE SUBCOMMITTEES ON INTERNATIONAL ORGANIZATIONS AND ON ASIAN AND PACIFIC AFFAIRS HAS BEEN SCHEDULED TO DISCUSS HUMAN RIGHTS IN EAST TIMOR AND IMPLICATIONS FOR U.S. POLICE. SPECIAL ATTENTION SHALL BE CENTERED ON THE USE OF U.S. WEAPONS BY THE INDONESIAN FORCES IN THE INVASION AND OCCUPATION OF EAST TIMOR. THE HEARING IS SCHEDULED FOR WEDNESDAY, MARCH 23 AT 3:00 P.M. IN ROOM 2255 RAYBURN BUILDING.

I WOULD LIKE TO ADDRESS A NUMBER OF QUESTIONS TO THE DEPARTMENT FOR WRITTEN RESPONSE PRIOR TO THE HEARING FOR INCLUSION IN THE DEPARTMENT'S OPENING STATEMENT. WE WOULD LIKE TO HAVE AT LEAST 30 COPIES OF THE WRITTEN RESPONSE FOR MEMBERS AND THE PRESS.

(1) IN ACTING ASSISTANT SECRETARY KEMPTON B. JENKINS' LETTER TO MR. FRASER OF MARCH 8, THE DEPARTMENT ESTIMATES THAT THE NUMBER OF CIVILIAN CASUALTIES IN EAST TIMOR "WOULD PROBABLY BE A FEW THOUSAND, MOST OF WHOM WOULD HAVE BEEN FIGHTING MEN ON BOTH SIDES". IN LIGHT OF THE INDONESIAN CHURCH REPORT AND THE FEBRUARY 11 REPORT OF MR. JIMM DUNN OF THE LEGISLATIVE RESERACH SERVICE OF THE AUSTRALIAN PARLIAMENT, DOES THE DEPARTMENT OF STATE STILL HOLD THE VIEW THAT VERY FEW CIVILIAN CASUALTIES HAVE OCCURRED?

(2) THE DEPARTMENT OF STATE DID NOT COMMENT ON THE EAST TIMOR SITUATION IN ITS HUMAN RIGHTS REPORT ON INDONESIA PREPARED UNDER SECTION 502B OF THE FOREIGN ASSISTANCE ACT. DOES THIS OMMISSION IMPLY (A) THAT THE DEPARTMENT CONSIDERS VIOLATIONS OF HUMAN RIGHTS IN EAST TIMOR TO BE SO INSIGNIFICANT AS NOT TO WARRANT COMMENT AND/OR (B) THAT THE

DEPARTMENT DOES NOT CONSIDER EAST TIMOR TO BE PART OF
INDONESIA?

(3) REGARDLESS OF EITHER OF THE ABOVE, IF U.S. WEAPONS
ARE BEING USED IN EAST TIMOR BY INDONESIAN FORCES, WASN'T
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THE DEPARTMENT OBLIGATED TO REPORT ON THE STATUS OF HUMAN
RIGHTS IN THAT TERRITORY UNDER THE REQUIREMENTS OF
SECTION 502B?

(4) WHAT KINDS AND ESTIMATED AMOUNTS OF U.S. EQUIPMENT
HAVE BEEN USED BY INDONESIAN FORCES IN AND AROUND EAST
TIMOR? PLEASE GIVE AS DETAILED A LISTING AS POSSIBLE.

(5) ROUGHLY IN TERMS OF DOLLAR AMOUNTS, WHAT PROPORTION
OF U.S. EQUIPMENT FURNISHED TO INDONESIA HAS BEEN USED IN
EAST TIMOR?

(6) IF THE DEPARTMENT DOES ACKNOWLEDGE THAT SIGNIFICANT
AMOUNTS OF U.S. EQUIPMENT HAVE BEEN USED BY THE INDONESIAN
FORCES IN EAST TIMOR, DOES THIS MEAN THE UNITED STATES
HAS ASSISTED THE INDONESIAN GOVERNMENT IN ITS INVASION
AND OCCUPATION OF EAST TIMOR?

(7) DOES SUCH ASSISTANCE COMPLY WITH THE AIMS AND PURPOSES
OF MILITARY ASSISTANCE AND SALES AS DEFINED, INTER ALIA, IN
SECTIONS 3 OR 4 OF THE ARMS EXPORT CONTROL ACT, AND SECTION
50L, 502, 505 AND 620(I) OF THE FOREIGN ASSISTANCE ACT?
WOULD YOU PLEASE COMMENT ON THE QUESTION OF COMPLIANCE
WITH EACH OF THESE PROVISIONS, WITH ANY OTHER RELEVANT
PROVISIONS OF FOREIGN ASSISTANCE RELATED LEGISLATION, AS
WELL AS THE RELEVANT AGREEMENTS BETWEEN THE UNITED STATES
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CHARTER WHICH STATES THAT "ALL MEMBERS SHALL REFRAIN IN
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(9) IS CONTINUATION OF SUCH ASSISTANCE CONSISTENT WITH
GENERAL ASSEMBLY RESOLUTION 31/53 ADOPTED ON DECEMBER 1,
1976 WHICH, INTER ALIA, DEPLORES THE REFUSAL BY THE

GOVERNMENT OF INDONESIA TO COMPLY WITH EARLIER U.S. RESOLUTIONS AND CALLS UPON THAT GOVERNMENT TO WITHDRAW ALL ITS FORCES FROM THE TERRITORY OF EAST TIMOR.

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(13) PRESIDENT FORD VISITED INDONESIA A DAY OR TWO BEFORE THE INVASION OF EAST TIMOR. WAS THE DECISION OR PLANS TO INVADE EAST TIMOR DISCUSSED BETWEEN PRESIDENT FORD AND/OR OTHER U.S. OFFICIALS AND INDONESIAN OFFICIALS EITHER DURING THE PRESIDENT'S VISIT OR AT ANY OTHER TIME OR PLACE PRIOR TO THE INVASION?

(14) IF THE U.S. GOVERNMENT HAD PRE-KNOWLEDGE OF THE INVASION PLANS, DID THEY MAKE REPRESENTATIONS TO THE INDONESIAN GOVERNMENT CONCERNING THIS MATTER?

YOUR KIND ATTENTION TO THESE QUESTIONS WILL BE GREATLY APPRECIATED. I LOOK FORWARD TO TESTIMONY FROM THE DEPARTMENT OF STATE AND THE DEPARTMENT OF DEFENSE ON THE 23RD. END QUOTE.

3. QUOTE: DEAR MR. CHAIRMAN:

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THANK YOU FOR YOUR LETTER OF MARCH 17, REGARDING THE FORTHCOMING JOINT HEARINGS OF THE SUBCOMMITTEES ON INTERNATIONAL ORGANIZATIONS AND ON ASIAN AND PACIFIC AFFAIRS INTO THE SITUATION IN EAST TIMOR. WE WILL ATTEMPT IN THIS REPLY TO RESPOND TO THE 14 QUESTIONS IN YOUR LETTER. I AM SURE YOU WILL UNDERSTAND THAT THE SHORT TIME AVAILABLE TO US IN MEETING YOUR REQUEST FOR A REPLY PRIOR TO THE MARCH 23 HEARING PRECLUDES, IN SOME CASES, A DEFINITIVE RESPONSE. THUS SOME OF THE FOLLOWING ANSWERS TO YOUR QUESTIONS MUST BE CONSIDERED TENTATIVE. THE ANSWERS ARE KEYED TO THE NUMBERS OF THE QUESTIONS IN YOUR LETTER.

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PORTUGAL, AND THE TYPEWRITTEN PAPER SAID TO BE AUTHORED BY A RELIGIOUS GROUP IN INDONESIA. WE HAVE ALSO REVIEWED INFORMATION FROM A NUMBER OF OTHER SOURCES AVAILABLE TO US. OUR CONCLUSIONS AS TO THE QUESTION OF CIVILIAN CASUALTIES IN EAST TIMOR FOLLOWING THIS REVIEW ARE AS FOLLOWS:

-- THE PRECISE NUMBER OF CASUALTIES IS NOT KNOWN TO US NOR TO ANY OF THE PRINCIPALS, AND PROBABLY NEVER WILL BE KNOWN.

-- THE ALLEGATION THAT AS MANY AS 100,000 PEOPLE WERE KILLED IN TIMOR IS BASED IN PART ON THE REPORTED STATEMENTS OF UNIDENTIFIED PERSONS AND IN PART ON A REPORTED STATEMENT TO THE PRESS BY A TIMORESE POLITICIAN, MR. LOPES DA CRUZ, WHOM WE ARE INFORMED HAS SINCE INSISTED THAT HE WAS MISQUOTED. WE HAVE SEEN NO OTHER EVIDENCE TO SUPPORT THIS FIGURE AND IT IS GREATLY LIMITED OFFICIAL USE
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AT VARIANCE WITH ALL OF THE OTHER INFORMATION AVAILABLE TO US. WE CONCLUDE THAT IT IS GREATLY EXAGGERATED.

-- OUR ESTIMATE OF MARCH 8 THAT THE CASUALTIES WHICH OCCURRED FOLLOWING INDONESIAN INTERVENTION IN TIMOR IN DECEMBER 1975 "WOULD PROBABLY BE A FEW THOUSAND" STILL SEEMS GENERALLY ACCURATE IN THE LIGHT OF INFORMATION WE HAVE SUBSEQUENTLY SEEN. MR. ROBERT OAKLEY, DEPUTY ASSISTANT SECRETARY FOR EAST ASIAN AND PACIFIC AFFAIRS, TESTIFIED BEFORE CONGRESSMAN WOLFF'S SUBCOMMITTEE ON MARCH 17 THAT WE WOULD ESTIMATE TOTAL CASUALTIES FOR THE ENTIRE PERIOD -- BOTH BEFORE AND AFTER THE INDONESIAN INTERVENTION -- TO BE "LESS THAN 10,000", OF WHICH A SUBSTANTIAL PORTION OCCURRED DURING THE CIVIL CONFLICT BEFORE THE INDONESIAN INTERVENTION.

-- A BREAKDOWN OF CASUALTIES BETWEEN MILITARY AND CIVILIANS IS NOT POSSIBLE BECAUSE, APART FROM THE INDONESIAN ARMY UNITS INVOLVED, MUCH OF THE FIGHTING IN TIMOR WAS BETWEEN ARMED CIVILIANS.

(2) THE HUMAN RIGHTS REPORT ON INDONESIA REPRESENTED OUR BEST ASSESSMENT OF THE SITUATION AS SEEN AT THAT TIME. IN RETROSPECT, PERHAPS SOME MENTION OF TIMOR SHOULD HAVE BEEN INCLUDED.

(3) AS MR. OAKLEY INDICATED IN HIS TESTIMONY ON

MARCH 17, IN VIEW OF INDONESIA'S USE OF US-SUPPLIED WEAPONS IN TIMOR, A REVIEW OF U.S. POLICY WAS INITIATED AND DURING THAT REVIEW, WE ADMINISTRATIVELY DELAYED PROVIDING ADDITIONAL NEW SECURITY ASSISTANCE TO INDONESIA. MILITARY EQUIPMENT THAT WAS ALREADY IN THE PIPELINE CONTINUED, HOWEVER, TO BE DELIVERED. THIS REVIEW LASTED LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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SIX MONTHS -- FROM DECEMBER 1975 TO JUNE 1976. WE BELIEVE OUR ACTION COMPORTED FULLY WITH THE SPIRIT AND THE REQUIREMENTS OF U.S. LAW AT THAT TIME. ON JULY 17, 1976 INDONESIA FORMALLY INCORPORATED EAST TIMOR INTO INDONESIA, AN ACTION WHICH WAS ACCEPTED BY THE ADMINISTRATION AT THAT TIME.

(4) AS MR. OAKLEY INDICATED ON MARCH 17, U.S. SUPPLIED MILITARY EQUIPMENT WAS USED BY INDONESIA IN ITS INTERVENTION IN EAST TIMOR. THE TYPES OF EQUIPMENT INVOLVED WERE COMMUNICATION AND TRANSPORTATION EQUIPMENT, SOME PATROL CRAFT AND C-130S, AND SOME COMBAT EQUIPMENT THAT HAD BEEN FURNISHED TO CERTAIN ELITE UNITS OF THE INDONESIAN ARMY. THIS COMBAT EQUIPMENT GENERALLY INCLUDED LIGHT INFANTRY WEAPONS SUCH AS M-16S, MORTARS, AND RECOILESS RIFLES.

(5) WE REGRET THAT WITHIN THE SHORT TIME AVAILABLE TO US, EVEN A GENERAL ESTIMATE OF THE DOLLAR VALUE OF THE US-SUPPLIED EQUIPMENT USED IN TIMOR AS A PROPORTION OF THE DOLLAR VALUE OF ALL EQUIPMENT FURNISHED INDONESIA BY THE UNITED STATES CANNOT BE CALCULATED. THERE ARE TOO MANY VARIABLES AND UNKNOWN FOR A MEANINGFUL FIGURE. IT MIGHT HELP, HOWEVER, TO KNOW THAT APPROXIMATELY 15 PERCENT OF THE PERSONNEL OF THE INDONESIAN ARMY APPEAR TO HAVE BEEN INVOLVED IN THE TIMOR OPERATION.

(6) OUR MILITARY ASSISTANCE PROGRAM TO INDONESIA SERVES U.S. INTERESTS IN A NUMBER OF IMPORTANT WAYS. PRIMARY AMONG THESE WOULD BE THE ENCOURAGEMENT OF REGIONAL SECURITY AND MAINTENANCE OF AN INDEPENDENT INDONESIA WITH WHOM WE HAVE CLOSE AND FRIENDLY TIES.

AS MR. OAKLEY NOTED IN HIS TESTIMONY ON MARCH 17 WE MADE KNOWN TO THE INDONESIAN GOVERNMENT OUR RESERVATIONS ON THEIR USE OF U.S. SUPPLIED EQUIPMENT IN LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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INTERVENTION IN EAST TIMOR.

(7) I BELIEVE THAT OUR SECURITY ASSISTANCE TO INDONESIA HAS BEEN IN COMPLIANCE WITH EACH OF THE CITED PROVISIONS OF LAW. (I NOTED IN THIS REGARD THAT SECTION 620(I) OF THE FOREIGN ASSISTANCE ACT DOES NOT SEEM APPLICABLE IN THE CIRCUMSTANCES OF THIS SITUATION.) OUR ADMINISTRATIVE ACTION IN HOLDING UP NEW MILITARY ASSISTANCE TO INDONESIA WHILE EXAMINING THE SITUATION RESULTING FROM INDONESIAN USE OF US-SUPPLIED EQUIPMENT IN EAST TIMOR WAS TAKEN TO ASSURE THAT WE WERE IN COMPLIANCE WITH THE LAW.

(8) WE DO NOT BELIEVE THAT FURNISHING MILITARY ASSISTANCE TO INDONESIA UNDER THE RELEVANT US-INDONESIA AGREEMENTS PUT THE UNITED STATES IN VIOLATION OF ARTICLE 2(4) BECAUSE OF INDONESIA'S USE OF SOME OF THE EQUIPMENT IN TIMOR.

(9) AS YOU KNOW, WE INDICATED AT THE TIME OF THE VOTE ON UN GENERAL ASSEMBLY RESOLUTION 31/53 OF DECEMBER 1, 1976 THAT WE BELIEVED IT DID NOT ACCORD WITH THE REALITIES OF THE SITUATION AND WAS NOT HELPFUL TO RESOLUTION OF THE PROBLEM.

(10) A FOREIGN GOVERNMENT CANNOT VIOLATE U.S. LAWS AS SUCH. AS STATED ABOVE, HOWEVER, WE ADMINISTRATIVELY HELD UP NEW MILITARY ASSISTANCE TO INDONESIA DURING THE PERIOD IN WHICH WE WERE REVIEWING THE SITUATION.

(11) PRIOR TO DECEMBER 7, 1975, THE ADMINISTRATION TOOK ACTION BOTH IN WASHINGTON AND IN JAKARTA TO COUNSEL CAUTION IN THE TIMOR SITUATION, TO INDICATE OUR CONCERN OVER THE POSSIBLE USE OF US-SUPPLIED MILITARY EQUIPMENT, AND TO INSURE THAT INDONESIAN AUTHORITIES WERE AWARE OF LIMITED OFFICIAL USE
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THE APPROPRIATE PROVISIONS OF U.S. LAW IN THIS REGARD. AFTER THAT DATE, AS INDICATED ABOVE, WE PLACED AN ADMINISTRATIVE HOLD ON NEW MILITARY AID TO INDONESIA WHILE WE REVIEWED THE SITUATION.

(12) WE BASED OUR REPRESENTATIONS TO THE INDONESIANS ON RELEVANT US-INDONESIAN BILATERAL AGREEMENTS GOVERNING THE USE BY INDONESIA OF MILITARY EQUIPMENT FURNISHED BY THE UNITED STATES PURSUANT TO THOSE AGREEMENTS.

(13) DURING THE SUMMER AND FALL OF 1975, OUR EMBASSY IN JAKARTA INFORMED THE DEPARTMENT OF THE GROWING CONCERN ON THE PART OF THE INDONESIAN LEADERSHIP OVER THE ADVERSE IMPACT THAT THE DEVELOPMENT SITUATION IN TIMOR MIGHT HAVE ON THE SECURITY SITUATION IN BOTH

PORTUGUESE AND INDONESIAN TIMOR. THE OPTIONS BEING EXAMINED BY THE INDONESIANS WERE NOT REVEALED TO US, BUT THE POSSIBILITY OF DIRECT MILITARY INTERVENTION WAS OBVIOUSLY ONE OF THEM. WE BECAME AWARE OF IMPENDING MILITARY OPERATIONS SHORTLY BEFORE THE ACTUAL INTERVENTION TOOK PLACE ALTHOUGH WE DID NOT KNOW OF THE DETAILS.

(14) SEE THE ANSWER TO THE FOREGOING THREE QUESTIONS.

WE HOPE THE FOREGOING RESPONSES WILL BE OF HELP TO YOU, AND WE LOOK FORWARD TO FURTHER DISCUSSION OF THE SUBJECT AT THE MARCH 23 HEARING. END QUOTE.
VANCE UNQUOTE CHRISTOPHER

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